

### REMARKS

Claims 1 and 4-9 were presented in the last previous amendment. Independent claim 8 has been amended above. Claims 1 and 4-9 remain in the case. Reconsideration and allowance of the claims is requested in view of the amendment to claim 8 and the following remarks.

The amendment to claim 8 adds a feature previously presented in claim 1, so no new matter is presented and no new issues are raised thereby.

### Claim Rejections – 35 USC § 102

Claims 1 and 4-9 were rejected as allegedly being anticipated by Stam et al. (US Pub. 2003/0123706). The rejection is respectfully traversed.

In a vehicular lamp according to the present invention, a vehicular lamp as a “headlamp” is switched to a vehicular lamp as a “position lamp” based on the brightness around the vehicle. This feature is found in pending claim 1. Specifically, this feature can bring about a huge advantage for the claimed invention in that the temperature of the vehicle lamp thus does not unduly increase. (See, for example, paragraph [0055] on page 12.)

However, in Stam et al., a high beam lamp is switched to a low beam lamp merely to illuminate the forward path when other vehicles are present. More particularly, Stam et al.’s high beam is switched to the low beam, and vice versa, in the vehicular headlamp. Stam et al.’s “vehicular headlamp” is not switched to a “position lamp” as used in the pending claims. This can be seen in that the amount of heat in Stam et al.’s lamp would not be decreased when the high beam is switched to the low beam. Consequently, this feature in Stam et al. is different from the feature in the pending claims because it does not (and can not) bring about the same heat decreasing advantage as the device of the pending claims.

Regarding pending claim 8, the newly added feature is again related to the vehicular lamp being turned on as a “positioning lamp” which has the heat decreasing advantage noted above regarding claim 1 for the positioning lamp.

Independent claims 1 and 8 are thus distinguished from Stam et al. and are not anticipated for at least the reasons given above. Since all the remaining claims depend either directly or indirectly from claim 1 or claim 8, claims 4-7 and 9 are likewise distinguished from Stam et al.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

#### **Priority Claim**

It is noted that neither the Office Action Summary sheet nor the Detailed Action has acknowledged that applicant's claim for foreign priority had been made and that a certified copy of the priority document had been received in the Office on March 10, 2004. The Examiner is kindly requested to do so in the next communication.

#### **Conclusion**

Claims 1 and 4-9 are urged to be allowable for the reasons provided. Prompt issuance of a notice of allowance is proper and is urged.

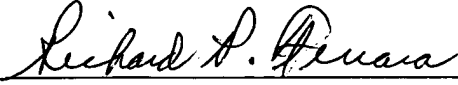
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Respectfully submitted,

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